

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIMBERLY WEBB	§	CIVIL ACTION
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	NO. 4:17-CV-03829
	§	
	§	
CITY OF HUNTSVILLE,	§	
<i>Defendant.</i>	§	JURY DEMANDED
	§	

OPPOSED MOTION TO UNSEAL OR RELEASE ORDER

TO THE HONORABLE ALFRED H BENNET:

COMES NOW, KIMBERLY WEBB, Plaintiff, and files this motion to unseal or release the order entered by this Court on November 13, 2020.

On November 12, 2020, the parties appeared before the Court regarding a pending motion to compel discovery. Plaintiff received only notification that the motion “remains pending before the Court.” *See* Exh 1. This was the only notice received from the Court regarding the motion.

On December 28, 2020, Plaintiff’s Counsel, Mr. Poerschke, discovered, by logging onto the PACER, that an order had been entered on November 13, 2020. The order indicated that the requested discovery was denied, but did not, otherwise, set a date (as far as the entry indicated) for Plaintiff to file her response to the City’s motion for summary judgment.

Mr. Poerschke attempted to retrieve a copy of the order, but the order appeared to be sealed. The entire motion, the motion to compel discovery, upon which the order was based was sealed at the request of City.

Mr. Poerschke, then, emailed Ms. Edwards on December 28, 2020, and requested a copy of the order, but as of the date of this motion, he has not received a copy of the order.

Concerned about the passage of time, and the pending responsive deadline relating to the City's motion for summary judgment (that may or may not be in the order), Plaintiff requests that the Court unseal the order or, otherwise, forward a copy of the order to the parties.

Respectfully submitted,

THE POERSCHKE LAW FIRM, PC

/s/ RSP

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**ATTORNEY FOR THE PLAINTIFF,
KIMBERLY WEBB**

CERTIFICATE OF CONFERENCE

On January 6, 2021, Mr. Poerschke conferred with Counsel for the City, Sean Braun, about this motion. Mr. Poerschke did not receive a response from Mr. Braun, and assumes that the City is OPPOSED, but will update the Court if the City responds.

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party on January 6, 2021.

William Helfand
Sean Braun
Attorney for the City of Huntsville

Via email Bill.Helfand@lewisbrisbois.com
Via email Sean.Braun@lewisbrisbois.com

/s/ RSP
R. SCOTT POERSCHKE, JR.